

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

TIMOTHY JAMES KELLOGG,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. CIV-24-0135-HE
	)	
TONY AGUILERA, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Timothy James Kellogg brought this action alleging various violations of his constitutional rights. Pursuant to 28 U.S.C. § 636(b)(1)(B),(C), the matter was referred to Magistrate Judge Shon T. Erwin for initial proceedings. On April 19, 2024, Judge Erwin issued a Report and Recommendation recommending the court dismiss this case without prejudice based on plaintiff's failure to pay the initial filing fee. Plaintiff was advised of his right to object to the Report and Recommendation by May 6, 2024. No objection has been filed. Plaintiff has therefore waived his right to appellate review of the factual and legal issues addressed in the report. Cassanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #9] and **DISMISSES** this case without prejudice for failure to pay the initial filing fee.

**IT IS SO ORDERED.**

Dated this 20th day of May, 2024.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE